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#### General Wage Determination Publication

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Signed at Washington, DC this 10th day of September 1998.

**Carl J. Poleskey,**

*Chief, Branch of Construction Wage Determinations.*

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#### LIBRARY OF CONGRESS

##### Copyright Office

[Docket No. 98-2 CARP CD 96]

#### Ascertainment of Controversy for 1996 Cable Royalty Funds

**AGENCY:** Copyright Office, Library of Congress.

**ACTION:** Notice with request for comments.

**SUMMARY:** The Copyright Office of the Library of Congress directs all claimants to royalty fees collected for secondary transmission by cable systems in 1996 to submit comments as to whether a Phase I or a Phase II controversy exists as to the distribution of these funds.

**DATES:** Comments are due October 19, 1998.

**ADDRESSES:** If sent by mail, an original and five copies of written comments and a Notice of Intent to Participate should be addressed to: Copyright Arbitration Royalty Panel (CARP), PO Box 70977, Southwest Station, Washington, DC 20024. If hand-delivered, an original and five copies of written comments and a Notice of Intent to Participate should be brought to: Office of the Copyright General Counsel, James Madison Memorial Building, LM Room 403, First and Independence Avenue, SE, Washington, DC 20559-6000.

**FOR FURTHER INFORMATION CONTACT:** David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor, Copyright Arbitration Royalty Panels, PO Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707-8380. Telefax: (202) 707-8366.

**SUPPLEMENTARY INFORMATION:** Each year, cable systems submit royalties to the U.S. Copyright Office under a statutory license which allows cable systems to retransmit broadcast signals to their subscribers. 17 U.S.C. 111. These royalties are, in turn, distributed in one of two ways to copyright owners whose works were included in a cable system's secondary transmission and who timely filed a claim with the Copyright Office.

These copyright owners may either negotiate a settlement agreement among themselves as to the distribution of the royalty fees, or the Librarian of Congress may convene an ad hoc Copyright Arbitration Royalty Panel (CARP) to determine the final distribution of the royalty fees which remain in

controversy. See 17 U.S.C. chapter 8. The Copyright Act also allows the copyright owners to receive a partial distribution of the royalty fees prior to the final determination so long as sufficient funds are withheld from distribution "to satisfy all claims with respect to which a controversy exists." 17 U.S.C. 111(d)(4)(C).

Accordingly, on September 3, 1998, the "representatives of the Phase I claimant categories to which royalties have been allocated in prior distribution proceedings" filed a motion for partial distribution of 75% of the 1996 cable royalties with the Copyright Office. However, before beginning a distribution proceeding or making a partial distribution, the Librarian of Congress must first ascertain whether a controversy exists as to the distribution of the funds. 17 U.S.C. 803(c).

For these reasons, the Office is requesting comment on the existence of any controversies as to the distribution of the 1996 cable royalties. The Office also requests that those claimants intending to participate in the 1996 distribution proceeding file a Notice of Intent to Participate, noting whether they anticipate participating in a Phase I proceeding, a Phase II proceeding, or both.

In a Phase I proceeding, the arbitrators ascertain the distribution of royalties among the categories of broadcast programming represented in the proceeding, and in a Phase II proceeding, the arbitrators settle disputes between claimants within a particular category concerning the distribution of royalty fees within the group. If a claimant anticipates a Phase II controversy, the claimant must state each program category in which he or she has an interest which by the end of the comment period has not yet been satisfied by private agreement.

Participants must advise the Office of the existence of all controversies, Phase I or Phase II, by the end of the comment period. The Office will not consider controversies which come to its attention after the close of the comment period. Failure to file a timely Notice of Intent to Participate shall also preclude a party from participating in this proceeding.

Dated: September 14, 1998.

**Marybeth Peters,**

*Register of Copyrights.*

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